



BAXTER CITY COUNCIL AGENDA

Tuesday, June 2, 2015

The regular meeting of the Baxter City Council will be held on Tuesday, June 2, 2015 at 7:00 p.m. at the Baxter City Hall, 13190 Memorywood Dr., Baxter, MN.

1. Call Meeting to Order

2. Roll Call

3. Pledge of Allegiance

4. Guest Presentations: Sheila Haverkamp, Brainerd Lakes Area Economic Development Corporation

5. Public Comments

Comments received from the public may be placed on a future meeting agenda for consideration.

6. Consent Agenda

The following items are considered non-controversial by staff and are recommended to be read and passed in one motion. Any council person, staff, citizen, or meeting attendee can request one or more items be pulled from the Consent Agenda and the item will be pulled and addressed immediately after the passage of the Consent Agenda; otherwise, the following items will be passed in one motion:

- A. Approve City Council Minutes from May 19, 2015
- B. Approve City Council Work Session Minutes from May 19, 2015
- C. Approve City Council Special Meeting Minutes from May 21, 2015
- D. Approve the Payment of Bills and Finance Report (Addendum A)
- E. Approve Liquor License for the Period July 1, 2015 through June 30, 2016
- F. Approve Appointment for Public Works Seasonal Position of Park Attendant
- G. Approve Temporary Liquor License for the Northland Arboretum's event on July 15, 2015

- H. Approve Purchase of Ricoh Multifunction Device from Metro Sales
- I. Approve Amendment to the Personnel Policy Regarding Employee Leave
- J. Approve Resolution 2015-57 Ordering Improvement and Preparation of Plans for the 2015 Dellwood Drive/Novotny Road Improvement Project
- K. Approve Resolution 2015-58 Approve Plans and Specifications and Ordering Advertisement for Bids for 2015 Dellwood Drive/Novotny Road, Inglewood Drive, and Independence Road Improvement Projects
- L. Accept Parks & Trails Commission Minutes from May 18, 2015

7. Pulled Agenda Items

8. Other Business

A. Council Comments

- A. Quinn Nystrom
- B. Steve Barrows
- C. Todd Holman
- D. Mark Cross
- E. Darrel Olson

9. City Administrator's Report

10. City Attorney's Report

- A. Closed Session. Minnesota Statute 13D.05, Subd. 3 (c), Land Acquisition
- B. Closed Session. Minnesota Statute 13D.05, Subd. 3(b), Attorney-Client Privilege to Discuss Pending Litigation

11. Adjourn to the June 3, 2015 Mill and Overlay Improvement Hearing at 7:00 p.m.

BAXTER CITY COUNCIL MINUTES

May 19, 2015

Mayor Darrel Olson, who led in the pledge to the flag, called the regular meeting of the Baxter City Council to order at 7:00 p.m.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson and Council Members Quinn Nystrom, Steve Barrows, Todd Holman, and Mark Cross

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Josh Doty, Finance Director Jeremy Vacinek, Assistant City Administrator Kelly Steele, Police Chief Jim Exsted, and Public Works Director/City Engineer Trevor Walter

CONSENT AGENDA

- A. Approve City Council Minutes from May 5, 2015
- B. Approve City Council Work Session Minutes from May 5, 2015
- C. Approve the Payment of Bills and Finance Report
- D. Approve Purchase of the 2015 Fleet/Non Retail 1/2 Ton Extended Cab 4x4 Public Works Truck
- E. Approve Resolution No. 2015-52 Receiving Feasibility Report and Calling Hearing for the 2015 Mill and Overlay Improvement Project
- F. Approve Liquor Licenses and 3.2 Malt Beverage Licenses for the Period July 1, 2015 through June 30, 2016
- G. Accept Utilities Commission Minutes from May 6, 2015
 1. Approve the DeChantel Excavating, Inc. Final Pay Estimate No. 3 in the amount of \$2,500.00 for the Falcon Drive Improvements Project contingent on the IC134's being submitted
 2. Approve the 2015 Forest Drive Stormwater Improvements Plan & Specifications and direct staff to advertise for bids
 3. Approve the WSN Proposal for Professional Engineering Services for the 2015 Inglewood Drive Improvement Project from Wolda Road to CSAH 77 in the not to exceed amount of \$3,500.00
 4. Approve the Quality Flow Systems Lift Station No. 3 Equipment Quote in the amount of \$18,820.00
 5. Approve the Crow Wing Power Lighting New Membership Agreement for Street Lighting Cabinet A at the intersection of CSAH 48 and Isle Drive in the amount of \$100.00
 6. Approve the Crow Wing Power Lighting New Membership Agreement for Street Lighting Cabinet B on Isle Drive in the amount of \$100.00

7. Approve the Crow Wing Power Lighting New Membership Agreement for Lift Station No. 23 in the amount of \$100.00
- H. Accept Parks & Trails Commission Minutes from April 27, 2015
- I. Accept Long Range Planning Commission Minutes from April 27, 2015
- J. Accept Planning and Zoning Commission Minutes from May 12, 2015
- K. Approve Construction Cost Share Agreement between Crow Wing County for County State Aid Highway (CSAH) 48/Isle Drive/CR 170 Intersection Improvements
- L. Approve Hiring of City Planner Position
- M. Adopt Ordinance 2015-08 Amending Chapter 3 of the City Code to include Sunday Off-Sale Growler Sales

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the consent agenda with the exception of agenda item E. Motion carries unanimously.

PULLED AGENDA ITEMS

E. Approve Resolution No. 2015-52 Receiving Feasibility Report and Calling Hearing for the 2015 Mill and Overlay Improvement Project

Council Member Holman asked to pull agenda item E. to clarify the consensus reached in the work session. Council Member Holman recommends approving the resolution with an amendment stating the consulting engineer would remove the subproject area three from the feasibility study in its entirety.

MOTION by Council Member Cross, seconded by Council Member Barrows to approve Resolution No. 2015-52 Receiving Feasibility Report, removing subproject area three from the feasibility report, and Calling Hearing for the 2015 Mill and Overlay Improvement Project. Motion carries unanimously.

OTHER BUSINESS

CERTIFICATION OF DELINQUENT UTILITY BILLS AND NUISANCE ABATEMENTS

Finance Director Vacinek explained the Council has before them a list of delinquent utility bills, invoices, and abatement charges that are 90 days past due. Typically, the city certifies the delinquent charges twice per year. The Council is required to hold a public hearing before adopting the assessments.

Mayor Olson opened the public hearing at 7:08 p.m. There was no one present to speak to the matter and the public hearing was closed at 7:08:15 p.m.

MOTION by Council Member Cross, seconded by Council Member Holman to adopt Resolution 2015-49, Adopting Assessments for Unpaid Delinquent Utility Bills, Invoices, and Abatement Charges. Motion carries unanimously.

PROPOSED AVANTECH ECONOMIC DEVELOPMENT TAX INCREMENT FINANCING (TIF) DISTRICT PUBLIC HEARING

Finance Director Vacinek presented information on the proposed Avantech TIF district. The TIF district is being created to facilitate a manufacturing, engineering, and office facility in the city's industrial park on approximately 6.5 acres. Once the final site plan is determined by Mr. Haglin, the developer, the city will order a plat to consolidate Lots 2 and 3, Block 1 and approximately the south one-half of Outlot C Baxter Industrial Park Phase 3 to sell to the developer. Tax increment is being considered in the form of pay-as-you-go to the developer to underwrite a portion of the TIF-eligible land acquisition and site improvements. A developer's agreement with the terms of the financial assistance will be negotiated and approved by the council at a later date when the final plans are determined and figures are updated with Ehlers, the city's tax increment advisor. Finance Director Vacinek outlined the findings for creation of the TIF district and the next steps.

Upon completion of the hearing, the Council will consider whether to approve the new TIF district. The actual tax increment assistance to the proposed development will be considered at future meeting; this meeting and public hearing is to consider whether to establish the TIF district only. Mr. Haglin was in attendance at the meeting. He did not have any additional comments on the TIF district at this time.

Mayor Olson opened the public hearing at 7:15 p.m. There was no one present to speak to the matter and the public hearing was closed at 7:15:15 p.m.

MOTION by Council Member Cross, seconded by Council Member Barrows to adopt Resolution 2015-50, adopting a modification to the development program for Development District Number One and establishing the Avantech Economic Development Tax Increment Financing District (District 13) and adopting a tax increment financing plan. Motion carried.

Finance Director Vacinek explained the next resolution was to adopt an interfund loan to cover potential city costs not covered by the developer's escrow for TIF-eligible administrative and development related costs. State statutes require the city to have an interfund loan in place if the city wants to reimburse itself with future tax increment for TIF-eligible costs.

MOTION by Council Member Cross, seconded by Council Member Nystrom to adopt Resolution 2015-51, authorizing an interfund loan for advance of certain costs in connection with the Avantech Economic Development Tax Increment Financing District 13. Motion carried.

PLANNING AND ZONING ACTIONS

Adopt Resolution No. 2015-53 Approving Findings of Fact, Ordinance No. 2015-10, Summary Ordinance No. 2015-11, to allow outdoor fireworks sales as an interim use in the C-2, Regional Commercial zoning district and Resolution No. 2015-54 Approving an Interim Use Permit to allow outdoor fireworks sales at 15807 Audubon Way.

Community Development Director Doty explained the applicant has requested approval of an interim use permit for seasonal outdoor fireworks sales. Staff has proposed adding fireworks sales as an interim use to the C-2, Regional Commercial Zoning District. The fireworks sales tent would be staffed 24 hours per day due to fireworks being on site. Staff has not received any complaints at this site. The interim use permit would be issued for a period of five years. Staff recommends approval of the ordinance amendment and interim use permit.

MOTION by Council Member Cross, seconded by Council Member Nystrom to adopt Resolution No. 2015-53 Approving Findings of Fact, Ordinance No. 2015-10, Summary Ordinance No. 2015-11, to allow outdoor fireworks sales as an interim use in the C-2, Regional Commercial zoning district and Resolution No. 2015-54 Approving an Interim Use Permit to allow outdoor fireworks sales at 15807 Audubon Way. Motion carries unanimously.

Adopt Resolution No. 2015-55 approving a Conditional Use Permit to allow grading in a shoreland area for the construction of a new home on a vacant lot on Perch Lake at 13184 Timberlane Drive.

Community Development Director Doty explained the conditional use permit is for grading a shoreland area of Perch Lake for the construction of a new single family home. Staff has found the application to meet impervious surface and other Shoreland requirements.

MOTION by Council Member Barrows, seconded by Council Member Cross to adopt Resolution No. 2015-55 approving a Conditional Use Permit to allow grading in a Shoreland area for the construction of a new home on a vacant lot on Perch Lake at 13184 Timberlane Drive. Motion carries unanimously.

Amended WSB Traffic Study for the Bike Corridor on Excelsior Road from Inglewood Drive to Cypress Drive

WSB has submitted a proposed amendment to the Excelsior Road Area Transportation Study. The amendment also expands Task 6, Pedestrian and Bicycle Analysis of the study. The amendment to Task 6 is to study the bike and pedestrian needs and options on Excelsior Road from Cypress Drive to Inglewood Drive. The original contract amount of \$17,642 will be increased by \$2,586.

MOTION by Council Member Holman, seconded by Council Member Barrows to amend WSB traffic study for the bike corridor on Excelsior Road from Inglewood Drive to Cypress Drive. Motion carries unanimously.

Approve Additional Appraisal & Engineering Services for the 2015 Dellwood Drive & Novotny Road Project

Aric Welch, WSN, explained per the direction received from the Council on May 5, 2015, he has requested cost proposals from Bill Ludenia Appraisals, Inc. for appraisal of the utility easements for the Dellwood Drive and Novotny Road Improvement project to loop the water service line.

The quote for Hill Top Trailer Sales is slightly higher than the quote for the Holiday Inn and Suites because the property is subject to a 20-year lease which will require additional evaluation.

The proposed watermain connection will also require additional surveying and design engineering costs. Mr. Welch estimates these costs to be an additional \$5,850.

MOTION by Council Member Cross, seconded by Council Member Holman to approve additional appraisal and engineering services for the 2015 Dellwood Drive and Novotny Road project. Motion carries unanimously.

8th Annual Stormwater Public Meeting (MS4)

Public Works Director/City Engineer Walter explained the City is required to hold the stormwater public hearing annually to provide residents with information regarding the City's progress on the MS4 permit.

Approve the City of Baxter Comprehensive Plan Update

Community Development Director Doty has reviewed the two-year process the city has gone through to reach the point of having the Comprehensive Plan on the regular council agenda for approval.

The outcomes of discussions with Baxter Mainstreet did extend the update process to allow the property owner to submit a planned unit development sketch plan review. Moving forward, the Baxter Mainstreet group has requested approval for a planned unit development.

Potlatch has requested the City consider four different proposals; the Council indicated support for three of the proposals. Community Development Director Doty explained one resident attends to speak about re-guiding property in the Hinckley area from multi-family to industrial. Navillus has requested the zoning remain the same. Community Development Director Doty asked a letter from Kris Kahler be entered into the public record regarding her request for a community center.

Ken Johnson explained he is a property owner south of Hinckley Road. He is not in favor of changing the Hinckley Road to industrial and does not see a need for more industrial development in this area. Mr. Johnson further explained the change would prevent him from making improvements to his home. Mr. Johnson would like to see the property remain as currently zoned.

Paul Paige, HGi of Minneapolis, explained he supports the gateway standards. Mr. Paige explained he originally asked for the Potlatch parcel to remain in the urban service boundary. Mr. Paige explained he respects the boundary and to limit high density in the area of the Army Combatable Use Buffer ("ACUB"). Mr. Paige asked the council to consider guiding the property industrial rather than rural residential to be contiguous with the proposed guided industrial land to the north and the investment Potlatch made in the past.

Community Development Director Doty explained the city decided to zone Potlatch residential because the parcel is located in the urban service boundary and the area to the south west is zoned rural residential.

The Council discussed keeping the Potlatch parcel guided rural residential until the Long Range Planning Commission has an opportunity to review. The council consensus was industrial would work better than residential. Mr. Paige's request can be City driven and ran through the commissions to amend the Comprehensive Plan if desired.

Community Development Director Doty clarified the Hinckley property is zoned high density residential. The consensus of the council was to leave the Hinckley parcel R3 and the Potlatch parcel would remain rural residential until it can be reviewed by the commissions.

MOTION by Council Member Cross, seconded by Council Member Nystrom to approve the City of Baxter Comprehensive Plan Update with Community Development Director Doty's updates. Motion carries unanimously.

COUNCIL COMMENTS

Darrel Olson: Mayor Olson congratulated Dave Franzen on his award. Mr. Franzen is a longtime member of the Utilities Commission and the City of Baxter.

CITY ATTORNEY'S REPORT

City Attorney Person explained Essentia has filed an appeal to the Isle Drive assessment. City Attorney Person further explained Essentia previously signed documents to waive any appeal of assessments for the property. Mayor Olson explained the City did their best to extend Isle Drive. City Attorney Person stated he would work on drafting a legal argument that we should not have to pursue this because we have a signed agreement. In the meantime, City Attorney Person recommends the Council order an appraisal.

City Attorney Person explained the Council will be entering into a closed session under Minnesota Statute 13D.05, Subd. 3 (c) Land Acquisition. City Attorney Person explained the City has a counter offer on a long-standing acquisition at College and Cypress.

MOTION by Council Member Barrows, seconded by Council Member Cross to enter into a closed session at 8:19 P.M. Motion carries unanimously.

Mayor Olson opened the regular meeting at 8:54 p.m.

City Attorney Person explained the Council would need to motion to approve a purchase agreement to fix a right turn lane at the intersection of College and Cypress. The consensus of the council was to increase the offer by \$2,500.

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the purchase agreement with an additional payment of \$2,500. Motion carries unanimously.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Barrows to adjourn the meeting at 8:54 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk

BAXTER CITY COUNCIL MINUTES

Work Session

May 19, 2015

Mayor Darrel Olson called the Work Session to order at 5:30 p.m.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson and Council Members Quinn Nystrom, Steve Barrows, Todd Holman, and Mark Cross

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Assistant City Administrator Kelly Steele, Police Chief Jim Exsted, Community Development Director Josh Doty, Finance Director Jeremy Vacinek, and Public Works Director/City Engineer Trevor Walter

Feasibility Study for 2015 Mill and Overlay Project

Scott Hedlund, SEH, broke the project down into three subproject areas. Area #1 is Edgewood Drive, Dellwood Drive, Clearwater Road, and Fairview Road (east). Area #2 is Glory Road, Elder Drive and Foley Road. Area #3 is Fairview Road (west). Mr. Hedlund explained the improvements could be a combination of full depth reclamation and mill and overlay or full depth reclamation on all streets, or full depth reclamation plus widening Fairview Road (west) to eleven feet driving lanes with five feet paved shoulders. Mr. Hedlund reviewed project costs and preliminary assessments.

Storm water improvements along Fairview were discussed to include a catch basin to drain into a infiltration pond near the gas station and an infiltration depression near the Art Ward intersection.

Mr. Hedlund review project costs and proposed assessments. Due to the outstanding items to complete the widening of Fairview Road (west), Mr. Hedlund recommends waiting until 2016 to complete this project area.

Mr. Hedlund explained an informational meeting would be held on May 27. Finance Director Vacinek explained the city would have to pay a higher interest rate if the City's bond exceeds \$10 million.

The Council consensus was to complete project #3 and move Fairview Road (west) to 2016.

Fairview Trail from Inglewood Drive to Memorywood Drive and Trail History Connecting Oscar Kristofferson Park to Inglewood Drive

Council Member Holman explained the dialog for a trail along Fairview has been reestablished due to the future reconstruction of Fairview Road. The Park Commission has not discussed the trail and the trail is not included in the Comprehensive Plan. The Council discussed the history of the trail. The council consensus was to have staff develop the process to consider the trail.

Clarification to Personnel Policy Regarding Employees Expectations While Utilizing Leave

Council Member Holman explained staff has been reviewing human resource matters and recently started looking at all employee leaves. Council Member Barrows explained when an employee is on a leave, the leave should be duty free. With current staffing levels, the city does not have a backup plan for staff to be duty free while on a leave. The council discussed their responsibility to be the city administrator's supervisor and the city administrator's responsibility to be the employee's supervisor. The current Personnel Policy does not explain the council should review the city administrator's leaves. Council asked staff to draft an amendment for council consideration.

MOTION by Council Member Holman, seconded by Council Member Barrows to adjourn at 6:52 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk

BAXTER CITY COUNCIL MINUTES
Special Meeting
May 21, 2015

Mayor Darrel Olson called the Special City Council Meeting to order at 7:00 p.m.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson and Council Members Quinn Nystrom and Steve Barrows

COUNCIL MEMBERS ABSENT: Council Members Todd Holman and Mark Cross

STAFF PRESENT: Assistant City Administrator Kelly Steele and Public Works Director/City Engineer Trevor Walter

PRESENTATION OF 2015 DELLWOOD/NOVOTNY IMPROVEMENT PROJECT

Aric Welch, WSN, explained the project was originally in the Capital Improvements Plan ("CIP") for improvement in 2006 and 2007. The project was removed from the CIP and designated as a developer driven project in 2007. In 2007, the City was approached by a property owner seeking sanitary sewer, water, and roadway improvements. The City held a public information meeting on July 9, 2008. The improvement hearing was held on August 4, 2008 but the Council did not order the project. The City revised the CIP in 2014 and scheduled the project improvement in 2015.

The City is in the process of documenting the existing 66-foot right-of-way. The feasibility study was updated to reflect current construction costs and the City Assessment Policy. The improvement hearing was held on March 5, 2015. The City received correspondence from property owners questioning the fairness and equity of the proposed per foot assessments. The Council then directed staff and the consulting engineer to review alternative assessment methods as allowed by the City's assessment policy. Alternative assessment methods were reviewed with the Council at subsequent work sessions.

The Council selected the assessment methodology and approved the revised feasibility study on May 5, 2015. After the public hearing, the Council can either order the project or reject the project. If the project is ordered, the project will be bid, a final assessment hearing will be conducted, the project will be awarded, and the project constructed.

Mr. Welch explained the project area is zoned Regional Commercial. The project area is partially developed with 16 existing parcels. One parcel is currently located outside of the City limits. The existing lots have individual wells and onsite septic systems. Mr. Welch reviewed the existing conditions of Dellwood Drive and Novotny Road and indicated both roadways are located on the Municipal State Aid System.

Mr. Welch reviewed the proposed improvement to include sanitary sewer, water, roadway, and stormwater. The total estimated project cost is \$1,247,075. The assessment procedure and calculations were reviewed.

Property owners are responsible for private service connection costs and charges and fees associated with connection to municipal services. These fees are collected when sewer and water services are made available. Assessments for individual property owners were explained. One property located outside of city limits cannot be immediately assessed, resulting in a deferred special assessment recorded against the property. The estimated total project cost including SAC, WAC, WAC tax, and residential lift station fees is \$1,288,485.

Mr. Welch explained the project is feasible from a construction standpoint. Construction is expected to start in August and completed by October. Property owners must connect to city sanitary sewer and water by December 31, 2016.

Mayor Olson opened the public hearing at 7:18 p.m.

John Thelen asked the reason for the council to reverse the assessment and the reasons for where curb and gutter is proposed to stop. Mr. Thelen explained he was told his assessment would be reduced because of a wetland credit, but now that is not true.

Public Works Director/ City Engineer Walter explained the curb and gutter end due to running out of depth. The city will work with business owners for the placement of curb cuts. Mr. Welch explained wetlands were not removed because it is not known if they could be filled in the future. The City's approach to levying assessments must be fair and consistent.

Mr. Thelen asked if his mother's drain filed would have to be removed and why is a bike lane being constructed. Mr. Welch explained the MPCA standards to remove a drain field and that the shoulders are designated as a bike lane.

Sherry Thelen stated she lives in Baxter. Ms. Thelen explained the Edina Realty building already has municipal services and she asked for tonight's presentation in advance but did not receive a copy.

Mayor Olson closed the public hearing at 7:45 p.m.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to adjourn at 7:45 p.m. Motion carries unanimously.

Assistant City Administrator Steele explained the council would consider ordering the improvement during the June 2 council meeting.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk

REQUEST FOR COUNCIL ACTION

06.02.2015

Department Origination: Administration

Agenda Section: Consent

Agenda Item: Approve Liquor License for the Period July 1, 2015 through June 30, 2016

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

In accordance with state statutes and the Baxter City Code, establishments engaging in the on-sale or off-sale of liquor and 3.2 malt beverages must be licensed by the City. The current licenses expire on June 30, 2015. The applicants have remitted license fees, evidence of liquor liability insurance, certificate of compliance of Minnesota Workers' Compensation law, and are current with property taxes.

The following businesses are applying to have their license renewed for the July 1, 2015 through June 30, 2016 license period:

- Baxter Cub Foods - Off Sale 3.2 Malt Beverage
- Costco Wholesale – Off Sale Liquor
- 3 Cheers Hospitality, LLC, d/b/a Prairie Bay – On Sale and Sunday Liquor

Staff will be following up with businesses that have not submitted their renewal materials.

FINANCIAL IMPLICATIONS

The administration of liquor licensing is offset by the application fees.

STAFF RECOMMENDATION

Staff recommends approval, contingent upon the Police Department completing a successful background check, on the license holder.

COUNCIL ACTION REQUESTED

MOTION to approve the off sale 3.2 malt beverage license for Baxter Cub Foods; On Sale and Sunday sales for 3 Cheers Hospitality, d/b/a Prairie Bay; and Off Sale Liquor for Costco Wholesale; contingent upon the Police Department completing a successful background check.

REQUEST FOR COUNCIL ACTION

June 2, 2015

Department Origination: Administration

Agenda Section: Consent

Agenda Item: Approve Appointment for Public Works Seasonal Position of Park Attendant

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

As mentioned in the April 25, 2015 RCA to appoint seasonal employees, one additional interview was scheduled on May 18, 2015 to allow a student to return to Baxter from attending college. Parks Supervisor Roy Rau and Assistant City Administrator Steele conducted the interview and a background check has been completed.

FINANCIAL IMPLICATIONS

This seasonal park attendant position is accounted for in the budget at \$10.00 per hour.

STAFF RECOMMENDATIONS

Staff recommends the appointment of Gretchen Gramer as a park attendant.

COUNCIL ACTION REQUESTED

Motion to approve the appointment of Gretchen Gramer at \$10.00 per hour to the seasonal position of park attendant.

REQUEST FOR COUNCIL ACTION

06.02.2015

Department Approval:
Administration

Agenda Section:
Consent

Items Description: Approve Temporary Liquor License for the Northland Arboretum's event on July 15, 2015

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

The Northland Arboretum has applied for a temporary license for the on-sale of intoxicating liquor for their Annual Country Sampler event on July 15, 2015. State statutes and the Baxter City Code allow for the issuance of temporary liquor license for the on-sale of intoxicating liquor in connection with a social/fundraising event within the City.

FINANCIAL IMPLICATIONS

The cost of administering the issuance of the temporary liquor license is offset by the application fee.

STAFF RECOMMENDATION

Staff recommends the issuance of the temporary on-sale liquor license as all requirements for the license have been met.

COUNCIL ACTION REQUESTED

Motion to approve the issuance of a temporary on-sale liquor license to the Northland Arboretum for their July 15, 2015 event.

REQUEST FOR COUNCIL ACTION

June 2nd, 2015

Department Origination: IT

Agenda Section: Consent

Agenda Item: Approve Purchase of Ricoh Multifunction Device from Metro Sales

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

The existing high-volume primary copier for City Hall is scheduled for replacement this year. The current machine is ten years old, has printed 1.8 million pages and parts availability for the unit ended in March 2014. In addition, as units age, the service contract costs increase, resulting in much higher costs per outputted page.

FINANCIAL IMPLICATIONS

After reviewing options on the State of MN Multifunction Device (MFD) contract, evaluating past usage and future needs, staff is proposing to purchase a Ricoh MP C6502 from Metro Sales. The recommended model has a unit cost of \$19,476 with maintenance charges of \$.0055 per black & white and \$.049 per color copy. This maintenance charge includes all supplies, maintenance and repairs to the device, less staples and paper. The cost of operation for black & white copies is estimated to be ~75% lower than the current device and color copies at nearly the same cost as the current color MFD.

This item was identified to be replaced in the adopted 2015 Budget with funds from the Capital Equipment Replacement Fund's IT capital and minor equipment replacement program. The cost of the recommended model is within the budgeted amount.

STAFF RECOMMENDATIONS

Staff recommends the purchase of a Ricoh MP C6502 in the amount \$19,476 from Metro Sales, utilizing State of MN contract #84340 for Multifunction Devices (MFD) with funding from the Capital Equipment Replacement Fund's IT capital and minor equipment replacement program.

COUNCIL ACTION REQUESTED

Motion to approve the purchase of a Ricoh MP C6502 in the amount \$19,476 from Metro Sales.

REQUEST FOR COUNCIL ACTION

06.02.2015

Department Origination: Administration

Agenda Section: Consent

Agenda Item: Approve Amendment to the Personnel Policy Regarding Employee Leave

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

The Committee of Council Members met to discuss amendments to the various employee leave sections of the Personnel Policy. The amendments focus on, in an absence of an emergency, all employee leaves of absence shall be duty free of city work. The amendments also clarify the council's role in reviewing leaves of absences for employees with direct report to the council.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of the amendments to the Personnel Policy.

STAFF RECOMMENDATION

Staff recommends approval of the amendments to the Personnel Policy.

COUNCIL ACTION REQUESTED

MOTION to approve the amendments to the Personnel Policy regarding Employee Leave.

Disability: The City will also provide disability insurance for accidents and sickness not related to the employees' employment with the City.

Worker's Compensation: The City will also carry Worker's Compensation Insurance to cover job related injuries.

Life: The City will provide \$25,000 of term life insurance coverage for regular full-time employees.

Dental Insurance: The City will provide a dental plan for regular full-time employees and their dependents. The City will pay 100% of a single dental insurance policy for regular full-time employees electing single coverage. For employees electing family dental coverage, the employee shall pay the difference between the single premium and the family coverage premium through payroll deduction.

Flexible Benefit: The City has established a flexible benefit program for its employees.

Section 38: Holidays

The following are designated as paid holidays. All full time employees will be paid for his/her normal shift at a straight time rate and receive the day off:

New Years Day	Martin Luther King Day	President's Day
Memorial Day	Fourth of July	Labor Day
Veteran's Day	Thanksgiving Day	Day After Thanksgiving
Christmas Eve (½ day)	Christmas Day	2-Personal Leave Days

To qualify for holiday pay, the employee must report for work on his/her regular scheduled shift immediately preceding and immediately after his/her scheduled holiday, unless he/she is on paid leave or otherwise excused by the employee's supervisor. If a holiday falls on a Sunday, the following day shall be the holiday. If a holiday falls on a Saturday, the preceding day shall be the holiday. When Christmas Eve falls on a Saturday or Sunday, the one-half day will be taken on the preceding Friday afternoon. When Christmas Eve falls on a Friday, the one-half day will be taken on the preceding Thursday afternoon.

Regular non-exempt employees required to work on holidays listed in the Personnel Policy will be paid at a rate of one and one-half (1½) their standard hourly rate for eight (8) hours or as listed in their contract.

Employees wanting to observe holidays other than those officially observed by the City may request either vacation leave or unpaid leave for such time off.

Leaves: Depending upon an employee's situation, more than one form of leave may apply during the same period of time (e.g., The Family and Medical Leave Act is likely to apply during a worker's compensation absence). An employee will need to meet the requirements of each form of leave separately. Leave requests will be evaluated on a case-by-case basis.

Adopted July 1, 2014

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Amended August 19, 2014; December 2, 2014; December 16, 2014

Except as otherwise stated, all paid time off, taken under any of the City's leave programs, must be taken consecutively, with no intervening unpaid leave. The City will provide employees with time away from work as required by state ~~of~~ **or** federal statutes, if there are requirements for such time off that are not described in the personnel policy.

In the absence of an emergency, as determined by the City Council or City Administrator, all leave shall be duty free.

Section 39: Time-Off

Department Heads shall forward time-off requests to the City Administrator or designee for approval. Once approval is received, it will be entered on a master time-off calendar.

Section 40: Vacation

Each full-time regular employee who has successfully completed his/her six-month probationary period shall accumulate vacation leave according to the following schedule. Part-time regular employees who work a minimum of 30 hrs. weekly (1560 hrs. annually) will earn vacation at prorated share of full time at the listed rate.

Years of Completed Service	Hours Accumulated	Rate of Accumulation
1*	56	4.67 hrs. per month
2-5	96	8 hrs. per month
6-10	144	12 hrs. per month
11-15	168	14 hrs. per month
16+	224	18.76 hrs. per month

*Hours may be used during probation period.

An employee's vacation balance at December 31 may not exceed 150% of the employee's current annual vacation accrual.

Vacations must be approved by the Department Head. Vacation requests should be received two weeks in advance of the desired vacation time.

Holidays that occur during vacation periods shall be paid as holidays and not charged as vacation leave.

The City will not pay an employee for unused vacation time except when exceeding the maximum accrual and circumstances arise that make it beneficial to the City, as determined by the City Administrator **or City Council**. Employees may elect to receive payment for up to 20 hours of vacation with proceeds dedicated to a Health Care Savings Plan as defined in Section 36. Employees who are rehired after terminating City employment will not receive credit for

their prior service unless specifically negotiated at the time of hire. Vacation leave does not accrue during an unpaid leave of absence.

Section 41: Sick Leave

Sick leave is authorized absence from work with pay. Sick leave is a privilege, not a right. Regular full-time employees are credited with 8 hours of sick leave per month and may accumulate sick leave up to 960 hours. employees are to use this paid leave only when they are unable to work for medical reasons and under the conditions explained below. Sick leave does not accrue during an unpaid leave of absence. An employee who is absent on approved vacation or other scheduled time off may not retroactively change the time off to sick leave.

Employees must call in and notify his/her supervisor that he/she will not report for work, for each day and every day absent. The employee must keep his/her supervisor informed of the status of the illness/injury or the condition of the ill family member. Sick leave may be used as follows:

- When an employee is unable to perform work duties due to illness or disability.
- Up to ten days of sick leave may be used for maternity or paternity leave.
- For medical, dental or other care provider appointments.
- When an employee has been exposed to a contagious disease of such a nature that his/her presence at the work place could endanger the health of others.
- Pursuant to Minnesota Statute 181.9413, eligible employees may use up to 160 hours of sick leave in any 12-month period for absences due to an illness or injury to an employee's spouse, adult child, father, mother, sister, brother, father-in-law, mother-in-law, grandfather, grandmother, grandchild, stepfather, stepmother.
- To care for the employee's injured or ill stepchild, biological, adopted, or foster child, for such reasonable periods as the employee's attendance with the child may be necessary.
- To take children, or other family members to a medical, dental or other care provider appointments.
- To care for an ill spouse, father, mother, father-in-law, mother-in-law, stepparent, grandparent, grandchild, sister, or brother.
- Safety leave. Employees are authorized to use sick leave for reasonable absences for themselves or relatives (employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because they, or a relative, is a victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee's child, is limited to 160 hours in any 12-month period.

After accrued sick leave has been exhausted, vacation leave may be used upon approval of the City Administrator or City Council, to the extent the employee is entitled to such leave.

After an absence, a physician's statement may be required on the employee's first day back to work, indicating the nature of the illness or medical condition and attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation. Any work restrictions must be stated clearly on the return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision. Sick leave may be denied for any employee required to provide a doctor's statement until such a statement is provided.

The City may require an examination by a physician appointed by the City to determine the validity of an employee's workers' compensation or sick leave claim, or to obtain information related to restrict or an employee's ability to work. The City will arrange and pay for an appropriate medical evaluation when it is required by the City.

Holidays that occur during sick leave periods will be paid as holidays and not charged as sick leave.

The City shall pay 50% of an employee's unused sick leave for employees who meet the requirements of a qualified retirement plan, and are in good standing with the City

Sick leave will normally not be approved after an employee gives notice that he or she will be terminating employment. Exceptions must be approved by the City Administrator **or City Council**.

Any employee who makes a false claim for sick leave will be subject to discipline up to and including termination.

Employees must normally use sick leave prior to using paid vacation, or compensatory time and prior to an unpaid leave of absence during a medical leave, except where Parenting Leave under Minnesota law and the medical leave overlap.

Section 42: Funeral Leave

In the event of death in the immediate family of a regular employee, the employee shall be granted up to three days sick leave with pay. For purposes of the Subsection, "immediate family" shall be construed to mean the employee's parent, spouse, child, brother, sister, or spouse's parent (natural or step parents). One of the three days shall be day of funeral. The actual amount of time off, and funeral leave approved, will be determined by the supervisor, ~~or~~ City Administrator **or City Council** depending on individual circumstances (such as the closeness of the relative, arrangements to be made, distance to the funeral, etc).

Section 43: Leave Without Pay

The Council may grant any regular employee a leave of absence without pay for reasons relating to family and medical care for a period not exceeding 12 workweeks during a 12 month period except, that upon the employee's application it may extend such leaves to a maximum period of one year in case the employee is disabled or where extraordinary circumstances, in its judgment,

Adopted July 1, 2014

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Amended August 19, 2014; December 2, 2014; December 16, 2014

warrant such extension. No vacation or sick leave benefits shall accrue during a leave of absence without pay. However, the City's contribution towards health, dental, and life insurance may be continued, if approved by the City Council, for leaves of up to ninety days when the leave is for medical reasons and FMLA has been exhausted. Leave without pay hours will not count towards seniority and all accrued vacation leave and compensatory time must normally be used before an unpaid leave of absence will be approved.

Employees returning from a leave without pay for a reason other than FMLA will be guaranteed return to the original position only for absences of thirty calendar days or less.

Section 44: Family and Medical Leave

General

In accordance with the Family and Medical Leave Act (FMLA) unpaid job protected leave will be granted to all eligible employees (male and female) for up to twelve (12) weeks per twelve (12) month period for any of the following reasons:

1. Birth or placement of a child with the employee for adoption or foster care;
2. To care for a spouse, child or parent who has a serious health condition; or
3. A serious health condition that makes the employee unable to perform the essential functions of the position.

In accordance with the law, the following definitions apply:

"Caring" for someone includes psychological as well as physical care. It also includes acquiring care and sharing care duties.

An eligible "child" is defined as a person under 18 years of age (or a person incapable of self-care because of a physical or mental disability) who is a biological, adopted, foster, or step child, a ward of the employee, or a person with whom the employee is charged with a parent's rights, duties and responsibilities.

An eligible "parent" includes a biological parent or a person who was charged with a parent's rights, duties and responsibilities over the employee when the employee was under the legal age, but doesn't include in-laws.

"Serious health condition" is defined in Federal law, but generally includes incapacity requiring absence from work of more than three (3) days that also involves continuing treatment by a health care provider (includes prenatal care).

Eligibility

An eligible employee is one who has worked for the City for a cumulative period of twelve (12) months and at least 1,250 hours during the twelve (12) month period prior to requesting the leave.

Length of Leave

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The entitlement to FMLA leave for the birth or placement of a child expires twelve (12) months after the birth or placement of that child.

Leave Year

The 12-month period is calculated by measuring twelve months backward from the start date of the employee's last FMLA leave.

Notice

The employee is to give verbal or written notice to his/her supervisor at least thirty (30) days prior to the date on which leave is to begin or if thirty (30) days' notice cannot be given as much notice as practical.

If an employee fails to give thirty (30) day notice for a foreseeable leave with no reasonable explanation for the delay, the leave may be denied until thirty (30) days after the employee provides notice. To the extent possible, planned medical treatment should be scheduled so that it will not unduly disrupt the City's operations.

Medical Certification

The employee may be required to provide medical certification to support a request for leave because of the serious health condition of a child, spouse, parent or the employee.

The form is to be completed by the attending physician or practitioner and submitted to the City Administrator, **designee, or City Council** within ten (10) days after requested, or as soon as is reasonably practicable.

The City may require a second (or third) opinion at the City's expense. If required, the City will select a health care provider not regularly associated with the City.

Recertification

Recertification may be required if the employee requests an extension of the original length approved by the City or if the employee's circumstances change. Recertification may also be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

Intermittent Leave

Leave requested because of a serious health condition of either a family member or the employee may be taken intermittently or on a reduced schedule if medically necessary. All requests for intermittent leave will be evaluated on a case-by-case basis.

The City may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits that better accommodates the intermittent leave than the employee's regular position.

Fitness for Duty Certification

The City may require a medical certificate attesting to the employee's fitness for duty prior to returning to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of his/her regular job.

The City Administrator, **designee, or City Council** may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the ADA (Americans with Disabilities Act). If a fitness for duty certification is required, the City may deny reinstatement until it is provided.

Job Protection

Employees returning from Family and Medical Leave will be reinstated in their former position or a position equivalent in pay, benefits and other terms and conditions of employment.

An employee's reinstatement rights are the same as they would have been had the employee not been on leave. Thus, if an employee's position would have been eliminated or an employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

Effect on Benefits

An employee granted leave under this policy will continue to be covered under the City's group health and dental insurance plan under the same conditions and at the same level of City contribution as would have been provided had they been continuously employed during the leave period. If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

The employee will be required to continue payment of the employee portion of group insurance coverage. The City may choose to continue the City's portion if administratively more convenient.

Arrangements for payment of the employee's portion of premiums must be made by the employee with the City. If an employee's contribution is more than thirty (30) days late, the City may terminate the employee's insurance coverage (subject to COBRA requirements).

Seniority

Seniority does not accrue during any period of unpaid FMLA (except as allowed when the leave is covered by worker's compensation). However, seniority accrued prior to commencement of FMLA leave will not be lost.

Use of Accrued Paid Leave or Compensatory Time During Family and Medical Leave, employees must use accrued sick leave, vacation leave and compensatory time prior to taking an unpaid leave unless their medical condition/injury is covered by worker's compensation or the absence qualifies under the state Parental Leave law (see Parenting Leave Policy).

FMLA leave counts as continued service for purposes of retirement and/or pension plans.

Records Retention

Records on FMLA leave will generally be kept with normal payroll records except that any medical record will be maintained separately as a confidential medical record in accordance with the law.

Failure to Return from FMLA Leave

Employees who cannot return from an approved FMLA leave at the end of the approved leave period may request an extension (up to the maximum of twelve (12) weeks allowed under FMLA). If the twelve (12) FMLA weeks have already been used, the employee can request to go on a regular unpaid leave of absence. If approved, before unpaid leave begins, the employee must use any accrued sick leave, compensatory time, or vacation leave that remains. If the leave is approved and unpaid, the employee will be required to pay the full cost of all group insurance, as provided under COBRA, in order to continue coverage.

If the unpaid leave of absence is not approved or the employee fails to request additional leave, the employee will be considered to have voluntarily resigned. If circumstances beyond the employee's control prevented the employee from requesting additional leave, a retroactive leave request may be allowed, subject to the City Council's approval.

If an employee fails to return from an FMLA leave and is determined to have voluntarily quit as described above, the City may seek reimbursement from the employee for the portion of the insurance premiums paid by the City on behalf of that employee during the period of leave.

Section 45: Reasonable Unpaid Work Time for Nursing Mothers

Nursing mothers will be provided reasonable unpaid break time for nursing mothers to express milk for nursing her child for one year after the child's birth. The City will provide a room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

Section 46: Light Duty/Modified Duty Assignment

This policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is evaluated by the City Administrator **or City Council** on a case-by-case basis. This policy does not guarantee assignment to light duty.

Such assignments are for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the City Administrator **or City Council**. The City Administrator **or City Council** reserves the right to determine when and if light duty work will be assigned.

When an employee is unable to perform the essential requirements of his/her job due to a temporary disability, he/she will notify the supervisor in writing as to the nature and extent of the disability and the reason why he/she is unable to perform the essential functions, duties, and requirements of the position. This notice **must** be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the City's job description along with a written request for light duty. Upon receipt of the written request, the supervisor is to forward a copy of the report to the City Administrator.

The City may require a medical exam conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the City Administrator **or City Council** whether or not to assign light duty work to the employee. Although this policy is handled on a case-by-case basis, light duty will not generally be approved beyond six months.

If the City offers a light duty assignment to an employee who is out on worker's compensation leave, the employee may be subject to penalties if he/she refuses such work. The City will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act to accept a light duty assignment.

The circumstances of each disabled employee performing light duty work will be reviewed regularly. Any light duty/modified work assignment may be discontinued at any time.

Section 47: Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy

The City will attempt to provide a female employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth.

- More frequent restroom, food, and water breaks;
- Seating;

- Limits on lifting over 20 pounds and/or temporary transfer to a less strenuous or hazardous position, should one be available.

Unless such accommodations impose an undue hardship on the City, the City will engage in an interactive process with respect to an employee's request for a reasonable accommodation.

Section 48: Military Leave

State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 days in any calendar year.

The leave of absence is only in the event the employee returns to employment with the City as required upon being relieved from service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military or naval service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five years.

Where possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. If an employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed for the active duty time, prior to the unpaid leave of absence.

Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accruals.

Eligibility for continuation of insurance coverage for employees on military leave beyond fifteen (15) days will follow the same procedures as for any employee on an unpaid leave of absence.

Section 49: Administrative Leave

Under special circumstances, an employee may be placed on an administrative leave pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances, as determined by the City Administrator with the approval of the City Council.

Section 51: Adoptive Parents

Adoptive parents will be given the same opportunities for leave as biological parents (see provisions for Parenting Leave). The leave must be for the purpose of arranging the child's

placement or caring for the child after placement. Such leave must begin before or at the time of the child's placement in the adoptive home.

Section 51: Pregnancy and Parenting Leave

Employees who work twenty (20) hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with after the birth or adoption of a child is eligible for up to 12 weeks of unpaid leave and must begin within 12 months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employees should provide reasonable notice. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

Employees are required to use accrued leave (i.e., sick leave, vacation leave, etc.) during Parenting Leave if the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently.

The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for the entire premium unless otherwise provided in this policy (i.e., where leave is also FMLA qualifying). For employees on an FMLA absence as well, the employer contributions towards insurance benefits will continue during the FMLA leave absence.

If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently until eligibility for either leave expires.

Section 52: School Conference Leave

Any employee who has worked half-time or more for more than twelve (12) consecutive months, may take unpaid leave for up to a total of sixteen (16) hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the City. Employees may choose to use vacation leave hours for this absence, but are not required to do so.

Section 53: Bone Marrow Donation Leave

Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours unless agreed to by the City, to undergo medical procedures to donate bone marrow.

Adopted July 1, 2014

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Amended August 19, 2014; December 2, 2014; December 16, 2014

The City may require a physician's verification of the purpose and length of the leave requested to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

Section 54: Victim or Witness Leave

An employee who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, or is the spouse or immediate family member (immediate family member includes parent, spouse, child or sibling of the employee) of such victim, is entitled to reasonable time off from work to attend criminal proceedings related to the victim's case.

Section 55: Elections / Voting

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off without pay for purposes of serving as an election judge, provided that the employee gives the City at least ten (10) days written notice.

All employees eligible to vote at a State general election, at an election to fill a vacancy in the office of United States Senator or Representative, or in a Presidential primary, will be allowed time off with pay to vote during election day. Employees wanting to take advantage of such leave are required to work with their supervisors to avoid coverage issues.

Section 56: Job Related Injury or Illness

All employees are required to report any job-related illnesses or injuries to their supervisor immediately (no matter how minor). If a supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken. In the case of a serious emergency, 911 should be called.

If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the supervisor and make arrangements for a medical appointment.

Worker's compensation benefits and procedures to return to work will be applied according to applicable state and federal laws.

Section 57: Jury Duty

Regular full-time employees will be granted paid leaves of absence for required jury duty. Such employees will be required to turn over any compensation they receive for jury duty, minus mileage reimbursement, to the City in order to receive their regular wages for the period. Time spent on jury duty will not be counted as time worked in computing overtime. Employees excused or released from jury duty during their regular working hours will report to their regular work duties as soon as reasonably possible or will take accrued vacation or compensatory time to make up the difference.

Employees are required to notify their supervisor as soon as possible after receiving notice to report for jury duty. The employee will be responsible for ensuring that a report of time spent on jury duty and pay form is completed by the Clerk of Court so the City will be able to determine the amount of compensation due for the period involved.

Temporary and seasonal employees are generally not eligible for compensation for absences due to jury duty, but can take a leave without pay subject to department head approval.

Court Appearances

Employees will be paid their regular wage to testify in court for City-related business. Any compensation received for court appearances (e.g. subpoena fees) arising out of or in connection with City employment, minus mileage reimbursement, must be turned over to the City.

Section 58: Grievance Procedure

Any dispute between an employee and the City relative to the application, meaning or interpretation of these personnel policies will be settled in the following manner unless set forth differently within a labor contract:

Step 1: The employee must present the grievance in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated and the remedy requested, to the proper supervisor within twenty-one (21) days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within seven (7) calendar days.

Step 2: If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the City Administrator within seven (7) days after the supervisor's response is due. The City Administrator or his/her designee will respond to the employee in writing within seven (7) calendar days. The decision of the City Administrator is final.

Waiver

If a grievance is not presented within the time limits set forth above, it will be considered "waived." If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the City's last answer. If the City does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the City and the employee without prejudice to either party.

The following actions are not grievable:

1. Performance evaluations; (there is a court case pending that may determine whether this proscription is valid or not)

Adopted July 1, 2014

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Amended August 19, 2014; December 2, 2014; December 16, 2014

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2015-57**

**RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR
THE 2015 DELLWOOD DRIVE/NOVOTNY ROAD IMPROVEMENT PROJECT**

WHEREAS, a resolution of the City Council adopted the 5th day of May, 2015, fixed a date for a council hearing on Improvement Number 4063, the improvement of the extension of municipal sanitary sewer, water, storm sewer and roadway for Dellwood Drive from Whispering Woods Lane to 100' north of Novotny Road and Novotny Road from TH 371 to Dellwood Drive; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon the 21st day of May, 2015 at which all person desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the estimated amounts proposed to be assessed against individual parcels was made available.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted 5th day of May, 2015.
3. Such improvement has no relationship to the comprehensive municipal plan.
4. WSN, Inc. is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
5. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax-exempt bonds.

Whereupon, said Resolution is hereby declared adopted on this 2nd day of June, 2015.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, Assistant City Administrator/Clerk

City Seal

**CITY OF BAXTER, MINNESOTA
RESOLUTION NO. 2015-58**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING
ADVERTISEMENT FOR BIDS FOR 2015 DELLWOOD DRIVE/NOVOTNY ROAD, INGLEWOOD
DRIVE, AND INDEPENDENCE ROAD IMPROVEMENT PROJECTS**

WHEREAS, pursuant to a resolution passed by the council June 2, 2015, the consulting engineer has prepared plans and specifications for Improvement No. 4063, the improvement of the extension of municipal sanitary sewer, water, storm sewer, and roadway for Dellwood Drive from Whispering Woods Lane to 100' north of Novotny Road and Novotny Road from TH 371 to Dellwood Drive and has presented such plans and specifications to the council for approval;

WHEREAS, pursuant to a resolution passed by the council May 5, 2015, the consulting engineer has prepared plans and specifications for Improvement No. 4105, the proposed improvement of the roadway, turn lanes, storm sewer, trail/pedestrian facilities and all related restoration of Inglewood Drive between TH 210 and Excelsior Road and has presented such plans and specifications to the council for approval;

WHEREAS, pursuant to a resolution passed by the council June 17, 2014, the consulting engineer has prepared plans and specifications for Improvement No. 2107, the proposed improvement of the roadway of Independence Road and has presented such plans and specifications to the council approval.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BAXTER, MINNESOTA:

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The city clerk shall prepare and cause to be inserted in the Brainerd Dispatch and Finance & Commerce an advertisement for bids upon the making of such improvements under such approved plans and specifications. The advertisement shall be published for 22 days, shall specify the work to be done, shall state that bids will be received by the clerk until 11:00 a.m. on June 26, 2015, at which time they will be publicly opened in the council chambers of the city hall by the city clerk and engineer, will then be tabulated, and will be considered by the council at 7:00 p.m. on July 23, 2015, in the council chambers of the city hall. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the clerk for 5 percent of the amount of such bid.

Adopted by the Baxter City Council this 2nd day of June, 2015.

CITY OF BAXTER, MINNESOTA

Darrel L. Olson
Mayor

ATTEST:

Kelly Steele
Assistant City Administrator

SEAL

PARKS & TRAILS COMMISSION MINUTES

May 18, 2015

The regular meeting of the Baxter Parks and Trails Commission was called to order at 4:00 p.m.

MEMBERS PRESENT: Chair Jim Kalkofen, Commissioner Mari Holderness, Ken Hasskamp, Gail Brecht and Council Liaison Quinn Nystrom

MEMBERS ABSENT: None

STAFF PRESENT: Community Development (CD) Director Josh Doty

OTHERS PRESENT: None

Approval of the Minutes

The March 23, 2015 minutes were not approved at this meeting, they will be approved at the June 22, 2015 meeting.

MOTION by Commissioner Hasskamp, seconded by Commissioner Holderness to approve the regular meeting minutes of April 27, 2015 as presented. Motion carried unanimously.

OK Park

Oscar Kristofferson (OK) Pavilion with Kitchen Facility

CD Director Doty stated that staff was comfortable with moving forward with one large pavilion with a kitchen facility and the kitchen facing the playground. The next step is to contact contractors to develop a plan for the Commission to review. The other piece is the implementation list and the park dedication balance. The need to plan for the 2016 budget is now, therefore this is a perfect time to start looking at the budget. The Commission needs to decide what big and/or small projects should be budgeted for 2016.

Commissioner Hasskamp would like to know the cost of the new pavilion as soon as possible, with completion this year or next year. Brecht asked if there were any additional projects moving forward in the city that would generate park funds. CD Director Doty indicated there is a \$25,000.00 park fee on one project. Commissioner Brecht stated that she would like to see the public have the ability to donate towards the pavilion. She also wondered if it would be possible to only build one new pavilion and split the rental times into two different times frames. Brecht agreed with the open area towards the playground equipment. Commissioner Holderness agreed with the pavilion but felt Jewelwood needed to stay on the high priority list. Chair Kalkofen stated that there was staff concerns over having two parties at the pavilion at one time, in the past there have been conflict. CD Director Doty stated that both the large and small pavilions are rented at the same time. Chair asked if for the next meeting CD Director Doty could bring the times that the pavilions are rented. Chair stated that it would be nice to see a size and price to determine how big the pavilion could be. CD Director Doty indicated that both ends of the pavilion have been cut off and additional brackets have been ordered to attach to the beams for better support. With the pavilion ends being cut off, it was noted that renters were moving the tables into the sun, past the roof. That is something to consider as well, adding additional concrete for those who want to sit in the sun.

Shed-Baxter Recreation Program Storage Building

CD Director Doty stated that the shed is located behind City Hall and has been used for storage. Once the shed was taken down at OK park, the recreational program lost a storage area near the ball fields. It was brought to staff's attention that the recreational program needed a shed for storage. CD Director Doty showed on the map where the shed would be city's shed would be re-located at OK park and stated that this would be a temporary placement until the 4th field is built. Staff is anticipating moving it shortly. Commissioner Brecht asked if it

was structurally sound, CD Director Doty stated that it is sound but is quick fix for now. CD Director Doty stated that staff did look at other options such as the warming house but decided that some of the mechanical equipment within the storage area should not be exposed to everyone that would come in and out of the space.

Ball Field Safety Nets

CD Director Doty reviewed the map of the fields with the Commission. He noted the anticipated phasing being a four year process. CD Director Doty noted the center area will be covered at a later date when a possible concession stand is built. Hasskamp asked what the life expectancy would be, CD Director Doty stated that Public Works Director Walter stated the nets would be taken down in the winter and that would extend the life of the nets Doty thought that the life was between 5-10 years.

Riverview Park Signage

CD Director Doty stated that this item was requested to be on the agenda. CD Director Doty explained that staff had looked into this previously and had received quotes for signage. He reviewed the quote for four signs with the Commission. The signage was shown on a map provided in the packet showed two locations. The Commission reviewed the locations on the map and agreed that two signs should go along County Rd. 48, one where Maryland Ave. starts and one at Riverwood Rd. CD Director Doty spoke with the County to ensure that the County would allow signage in the right-of-way. They did not seem to have concerns but did have requirements that need to be met as part of a permit prior to the install. All four signs would need to be installed in the right-of-way to keep from having to gain private permission from residents. Staff requested that this could be a budgeted as a 2016 project. The Parks Commission disused that the signage should be installed this year. Chair Kalkofen suggested the signs being installed in June and then notify the paper to provided coverage.

MOTION by Commissioner Hasskamp, seconded by Commissioner Brecht to recommend City Council approve the four signs for immediate purchase and placement for Riverview Park and per Crow Wing County approval as presented by staff. Motion carried unanimously.

Potential Park Idea Discussion/Consideration

Chair Kalkofen provided the Commission with a small packet of information from the Brainerd Baxter Fast Pitch Softball Association (BBFSA) regarding the fast pitch softball program. According to the information provided, there is a need for additional fast pitch softball fields to accommodate all of the programs. Chair Kalkofen recently spoke to Mr. Mike Sullivan of Navillus Land Company, owner of several parcels of land in the City of Baxter. Mr. Sullivan expressed the concern he was having with the comprehensive planning for the area South of Marble Rd., between Jasperwood and Hwy. 371, which is a "future sewered area". That determination is pushing buyers away from that area because they don't want to build a home on a large 5 acre lot and then in the future have to hook up to city water and sewer. Mr. Sullivan and his family are deeply involved in fast pitch softball and have been for some time. Mr. Sullivan is interested in selling the land to the City of Baxter for a fast pitch softball complex combined with a neighborhood/community park. Chair Kalkofen presented a letter explaining some of the issues the program is having. This area has enough room for parking, additional state trail parking, softball field, BMX track, playground equipment etc.. He further stated that there is water and sewer close by for a future pavilion. This would also be an excellent gateway concept for people to see a park with a complex from Hwy 371. The Commission agreed that the price is the main point. The Commission discussed the amount of noise that would come from the highway and agreed it would be a good spot for a park because of the location.

Commissioner Brecht noted that the cost of a new park, parking lots, fields, lights, garbage removal and maintenance throughout the years. CD Director Doty stated that this would need to be looked at closely in regards to maintenance and staffing, the Commission agreed. Chair Kalkofen would like to think that sponsorship would help with some of those cost on an annual basis. Council Liaison Nystrom stated that

dollars and cents are a big concern at this time and if sponsorship could help it would be a “pro” for a project such as this. She noted some of the items that Essentia has donated towards in this area. Commissioner Hasskamp stated that this is a long term commission and looking down the road is a definite, it’s not something that will pop up overnight. Chair asked Council Liaison Nystrom what she thought the Council would want to know or see regarding this proposal. Council Liaison Nystrom stated that the motivation of the owner to sell and how willing they are to work with the City is a big point. She noted that recently this Commission reviewed other property that was offered to the City and it was determined not to be a great fit. Council Liaison Nystrom thought that the Council would like the location with the gateway theme district, but ultimately it is the cost of an additional facility. Commissioner Brecht noted that the parks department is already spread thin and may have to hire another person and maybe buy another mower to keep up. Chair Kalkofen asked CD Director Doty what is the next step to proceed. CD Director Doty stated that the Commission is on the right track with asking what the cost would be for the land and finding additional funding sources to assist in the purchase. Chair Kalkofen will visit with the Sullivan’s and then have the Sullivan’s contact CD Director Doty and will then report what has been learned at the next meeting.

LT Park Pavilion Repair Update

CD Director Doty stated that the repairs have been approved by Council and will be made after the Memorial Day weekend.

Chip Sealing Trails Update

CD Director Doty reviewed the map that was in the packet indicating the trails that will receive chip sealing this year.

Jewelwood Park Update

CD Director Doty stated that Chair Kalkofen requested an update on Jewelwood Park. CD Director stated that he is aware that the Commission wants to move forward with this park. The Council is looking to adopt the comprehensive plan on May 19, 2015. CD Director Doty noted that since the initial discussions about creating Jewelwood Park, the Council asked that the Commission consider the Clearwater area for a park. Seeing the dollars that would remain in the fund, it is now time to consider what the priorities are for the 2016 budget. CD Director Doty apologized that there was not a better update for this park, however he thought they were as far as they could go before bringing in residents a second time on Jewelwood. Chair Kalkofen asked for a complete list of costs for this park at the next meeting, Commissioner Hasskamp agreed even if it is phased in yearly, it should be high on the list. Commissioner Brecht and Holderness stated that the residents will understand that the pavilions put a looming issue on the funds. The Commission agreed it is still high on the list and does want to continue to move forward even if it is phased. CD Director Doty stated that the question was posed at the Council level if the intent was to build three parks between Winkler, Jewelwood and Clearwater for the same resident area. Hasskamp stated that Jewelwood may cost more, he envisioned more of a passive park setting in Winkler and Clearwater with trails and more nature type setting. Commissioner Hasskamp stated Jewelwood is first, Commissioner Holderness and Brecht agreed. Chair Kalkofen suggested it is looked at as a phased in park. CD Director Doty stated the concern is the size of the playground structure, the bigger the equipment the more people that will be attracted to the park from outside the neighborhood. He added that these additional people would require parking, restrooms, etc. CD Director Doty added that the Commission’s recommendation was to go larger with the equipment and staff’s fear is the lack of parking. Commissioner Hasskamp and Holderness stated it would remain a neighborhood park and that a lot of people will not use the park. Commissioner Brecht disagreed stating that new equipment will draw lots of neighborhood people to the park. CD Director Doty stated they do not want to create an on-street parking problem.

CD Director Doty stated that after the next meeting he would like to bring the consensus of this Commission to City Council to make sure everyone agrees with moving forward.

Other Business

Chair stated that the Isle Dr. project has started and on Ironwood Rd. they have crossed the bike path twice in areas and the mud was 4" thick. Lots of activity in that area, he asked that staff look into cleaning it up.

Council Liaison Nystrom noted that the implementation map and the Clearwater park was asked to add this park as to the implementation map. She asked if the Commission wanted to add it prior to approval of the Comprehensive Plan so it would not be missed as an additional park in the future. She asked for a clear answer regarding the Clearwater Rd. park. Commissioner Hasskamp stated that it should be put in as a long range park in the future. Commission Brecht stated once it is on the list it is expected to be completed. She stated that once it's on the implementation plan then it snow balls into more. A trail requires parking spaces and the questions then come up around development. The Commission agreed that at this time it is on the future trail map and is there for discussion but not a priority as it is newer to the Commission. Council Liaison Nystrom stated she will report to the Council that this commission would like to keep it just shown on the parks map.

Council Liaison Nystrom received an e-mail complaining about the lack of a trail connection on Grand Oaks Dr. This person was forced into a ditch in order to keep from getting hit by a car. They would like to see the trail connection continued all the way to Clearwater and Excelsior Rd. CD Director Doty indicated that there is a proposed trail on the Parks Map for this area and in the study area for the Excelsior Road corridor but not in the trail implementation plan. The Commission discussed the lack of area for a side trail/biking area on the Grand Oaks Drive and Grand Oaks Ct. CD Director Doty stated that there have been some links added with the development of that area but the southerly stretch is short.

The next meeting is scheduled for June 22, 2015 at 4:00 pm.

Adjournment

MOTION by Commissioner Hasskamp, seconded by Commissioner Holderness to adjourn the meeting at 5:35p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Chair Jim Kalkofen

Shanna Newman CD Clerk